

REMARKS:**ELECTION**

Applicant elects the apparatus claims 10-18. Thus the withdrawn claims 1-9 are cancelled without prejudice. Accordingly this response relates to the merits of the apparatus claims. In this respect the title is amended.

DRAWINGS

The objection to the drawings under 37 CFR 1.84(p)(5) results from inadvertent typographical errors in designating items '33' and '35' in the specification. The corresponding corrections to the specification thus fully overcome that objection ground.

The objection to the drawings under 37 CFR 1.83(a) is respectfully traversed. In Fig. 6, item 42 is illustrated a thickness knife. Thus Claim 18 is properly retained in the application.

SPECIFICATION

The amended abstract fully responds to this objection ground.

35 USC 112, SECOND PARAGRAPH REJECTION GROUNDS

The amended claims herein presented fully overcome each of these rejection grounds.

35 USC 102 CLAIM REJECTIONS

GENERAL REMARKS

Claims 10-18, particularly in their presently amended format, set forth overall combinational structure limited to processing of tread strip raw material salvaged from discarded tire carcasses. These include steel belted tire carcasses and strips which are tough and thick and flexible, with completely different transport and cutting requirements than thin strips of metal for example emphasized in the apparatus cited by the Examiner. There can be no anticipation of the shaping means for the tire tread strips which are not only required to grasp and pull the strips through a cutting mechanism, but which also indent the strips to change their thickness characteristics and the conditions at the outer edge of the processed strips. Note that a tire tread has a retained memory because of the right-angled transition region to the sidewalls. Thus it is difficult for a tire tread strip cut from a discarded tire carcass to lay flat without curled edges.

The apparatus claimed by applicant however changes the state of the art in this respect by cutting off extreme edges that have the most tendency to curl, and processing the remaining edges of the narrower strips to further relax and compensate for the retained memory that prevents the recovered tire carcass strips from lying flat.

In the several references cited under 35 USC102 , only Hirsch et. al 224 processes a related material, namely tire tread fabric stock, but this is not relevant to the operations claimed upon the completed tire carcass tread strip where rubber is vulcanized to the tire tread fabric.

Accordingly therefore the references cited under 35 USC 102 do not establish a

prima facie case of anticipation. The rejection grounds for the respective citations are now discussed more fully to identify explicit non-anticipated features.

Schoendelen 1,578, 854 rejection of Claims 10-13 and 16

Parent Claim 10 is amended to define the resulting narrower strip extending between the two shorter ends of the raw tire carcass tread strip grasped by one shorter end with the tread strip portion edges removed from the longer sides of the strips.

Conversely, this reference feeds (without grasping one end of the strip) thin sheets 26 of tin plate, or the like, (not similar to the claimed tire tread rubber-fabric) on the conveyor feeding table 26 for cutting out scrap portions 61 from the intermediate part of the sheets 26 rather than the outer edges. The claimed apparatus of Claim 10 and its dependent claims 11-13 and 16 thus is not anticipated.

In that respect amended Claim 11 defines the embodiment of Fig. 5 which indents the edges along the longitudinal length of the tire carcass strips to relax the tension from the vulcanized tire tread rubber-fabric strip outer edges to permit the narrower end product have a better tendency to lie flat. There is no teaching in this reference of indenting the outer edges of a narrower longitudinal strip product.

Thus there is no anticipation of the Claim 11 apparatus by this reference.

Accordingly this rejection ground for Claim 11 is fully overcome and a favorable action is merited and respectfully solicited.

Regarding Claim 12, the stated rejection ground does not take into account the overall combinational interaction with parent Claim 10. For example the sheet 26 is not a tire tread strip and is not grasped at the shorter end and passed through the linear transit path to remove tread portions along the two longer tread strip sides. Note that the sheets in the reference are delivered by gravity onto conveyer 29 after being punched so that there is in effect separate transit paths for the punch 18 and the slitter knives on drive shaft 44 rather than applicant's claimed single strip feeder means for grasping one shorter end of the tread strips passing them through the two sequential shaping devices of Claim 12.

Accordingly Claim 12 is not anticipated and withdrawal of this rejection ground is respectfully solicited.

Claims 13 and 16 are cancelled.

Thus withdrawal of this rejection ground for Claims 10 to 12 is merited and respectfully solicited.

Pogrzeba 4,247,273 rejection of Claims 10, 14 and 15

In Claim 10, now amended, the combination is critically and uniquely related to the tread strips salvaged from tire carcasses, rather than the photo web of the reference. Note in particular the objective of Claim 10 is to produce a narrower tire tread strip. In the reference the edges of the web are not removed in the reference. Thus the reference does not anticipate Claim 10 (Amended), and this rejection ground may be withdrawn, as

is respectfully solicited.

Claims 14 and 15 are dependent upon Claim 10 and include all the limitations thereof. Thus the combinational interaction of Claims 10, 14 and 15 is not anticipated as is clear from the fact that the reference does not remove strip portions along the two longer sides to produce a narrower tire tread strip, as claimed.

Accordingly this rejection ground is fully overcome, and withdrawal is respectfully solicited.

Lundgren 4,833,957- rejection of Claims 10 and 17

This reference does not handle tread strips, and fails to remove tread strip portions along the two longer sides to produce a narrower strip as defined in Claim 10 as amended, and thus also Claim 17 dependent thereon. Thus, the rejection ground is fully overcome and withdrawal is respectfully solicited.

Hirsch 1,744,224- rejection of Claims 10 and 17

This reference is pertinent in that it does handle tread stock. However this tread stock is contained in long rolls to be cut into proper lengths before the tires are manufactured and vulcanized into their toroidal shape. Applicant however feeds separate tire tread strips. Thus the Claimed tread strips salvaged from tire carcasses which include residual memory bias at the outer edges of the vulcanized tire tread strips that prevents the tread strips cut from the carcasses from lying flat.

Applicant in part removes the outer tread strip portions along the two longer sides where the residual bias is greater, and which results in a narrower tire tread strip with a greater propensity to lie flat, as clearly defined in amended Claim 10. Furthermore the tread material strip feeder means grasps the reclaimed tire tread strips at one end to operate in a different manner from conveyance on conveyor belts as in the reference.

Since the reference does not remove tread strip portions along the sides of the reclaimed and thus memory biased tread strips cut from salvaged tires, there can be no anticipation, and it is respectfully solicited that this rejection ground be withdrawn.

35 USC 103 REJECTION

Claim 18 obviousness over Hirsch 1,744,224 in view of McMahan 2,868,291

The rejected Claim 18 includes Parent Claim 10 as a novel combination. Amended Claim 10 presents a combination overcoming the teachings of Hirsch. Hirsch does not teach processing a mounted tire, and is thus incompatible with the McMahan teachings, and thus could not be made obvious under 35 USC 103 since there is not included therein a teaching that a tire tread strip "passing through a linear transit path" can be trimmed to "establish tread strips of uniform thickness" from tire strips salvaged from discarded tire carcasses and thus having variable amounts of tire tread wear. Thus the Examiner's premise that it would be obvious to provide the claimed combination of Claim 18 does not provide a prima facie case of obviousness based upon the references themselves. Only

applicant's disclosure and claim teach such a feature.

Accordingly the 35 USC 103 rejection ground is fully overcome and a favorable action is respectfully solicited.

ELECTION RESTRICTIONS

Note that the embodiments of Figure 1 and Figure 2 and the embodiments of Figure 6 and Figure 5 need be taken together.

Applicant elects the species of Figure 2 to which Claims 10, 12 and 17 are directed.

Claims 11, 14, 15, 17 and 18 are directed to the species of Figures 5-6.

Since parent Claim 10 is patentably presented, allowance of Claims 11, 14, 15, 17 and 18 are also properly allowable herein.

CONCLUSION - PRIOR ART NOT RELIED UPON

The prior art not relied upon is not found to be relevant to the claimed combinations presented herewith for consideration.

SUMMARY

Applicant presents herewith for allowance retained claims 10-12, 14, 15, 17 and 18, and has put the case into form for immediate allowance, which is respectfully solicited.

Respectfully submitted, May 13, 2003

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